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Current Handling: n/a
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INFO OCT-01 ADS-00 HA-05 CIAE-00 DODE-00 PM-06 H-01
INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15
ICA-11 IO-14 AID-05 /094 W

-----029895 060411Z/12 ARGENTINA PROJECT (S200000044)

P 052019Z OCT 79 (T.A.O. AD028329 STU996)

FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC PRIORITY 2675

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

(X) Release () Excise () Deny

Exemption(s):

Declassify: () In Part (X) In Full

() Classify as () Extend as () Downgrade to

Date Declassify on Reason

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E.O. 12065: GDS 10/5/85 (FRIEDMAN, TOWNSEND B.)) OR

1. [REDACTED] - ENTIRE TEXT.

2. SUMMARY: IN THE TANGLE OF RECENT EVENTS ON THE ARGENTINE HUMAN RIGHTS FRONT WE BELIEVE IT IS POSSIBLE TO JUDGE THE DIRECTION OF THE GOA'S PERFORMANCE. WHILE PROGRESS HAS BEEN SLOW AND THE CURRENT SITUATION IS FAR FROM SATISFACTORY, WE FEEL THERE HAVE BEEN SOME QUALITATIVE AND QUANTITATIVE CHANGES FOR THE BETTER. HOWEVER, OTHER ELEMENTS OF THE PICTURE ARE LESS BRIGHT. BECAUSE THEIR POSITIONS SENSITIZE THE OCCUPANT TO POLITICAL CONSIDERATIONS, PRESIDENT VIDELA AND GENERAL VIOLA HAVE BEEN PARTICULARLY IMPORTANT IN THIS PROCESS. IT IS ON THEIR ABILITY TO CONTROL THE SITUATION THAT FURTHER PROGRESS LARGELY DEPENDS. WE BELIEVE THAT USG ATTITUDES AND ACTIONS ARE INFLUENTIAL IN THE EVOLUTION OF HUMAN RIGHTS HERE. BECAUSE OF THIS, AND BECAUSE THE SITUATION REMAINS A FLUID ONE, WE BELIEVE IT TIME FOR THE USG TO CONSIDER MORE CAREFULLY WHETHER TO DEVELOP A MORE COORDINATED COMBINATION OF INCENTIVES AND REWARDS, WHICH WILL REINFORCE PROGRESSIVE CHANGE HERE. END SUMMARY.

3. THE WELTER OF CONTRADICTORY EVENTS ON THE HUMAN RIGHTS SCENE OVER THE PAST SEVERAL MONTHS MAKES IT DESIRABLE TO TAKE A STEP BACK TO TRY TO ESTABLISH THE BROADER

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TRENDS AT WORK, TO EXAMINE THE POLITICAL DYNAMICS THAT LIE BEHIND THESE DEVELOPMENTS, AND EXPLORE THE RELATION-

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SHIP OF THE UNITED STATES TO BOTH THE EVENTS AND THE DYNAMICS.

4. THE HUMAN RIGHTS EQUATION -----

SINCE THE BEGINNING OF THE YEAR NEWS ON THE HUMAN RIGHTS FRONT HAS, AS USUAL, PRESENTED A MIXED PICTURE. NEVERTHELESS, A COOL ASSESSMENT OF EVENTS AND DECISIONS BY THE GOA REVEALS ELEMENTS BY WHICH IT IS POSSIBLE TO ESTABLISH THE LONGER TERM QUALITATIVE AND QUANTITATIVE TRENDS FOR HUMAN RIGHTS HERE SINCE 1976, WHEN THE JUNTA TOOK OVER: -----

AMONG THE MORE POSITIVE ELEMENTS ARE: -----

QUANTITATIVE -----

(A) ALTHOUGH THE GOA CLEARLY HAS NOT LIVED UP TO ITS PROMISES TO US TO END DISAPPEARANCES, THESE ARE FAR REDUCED FROM WHAT THEY WERE IN EARLIER YEARS--26 KNOWN CASES THUS FAR THIS YEAR COMPARED TO 511 REPORTED IN THE FIRST NINE MONTHS OF 1978, AND THE MANY THOUSANDS IN 1977 AND 1976.

(B) THE NUMBER OF ARGENTINES BEING HELD ON OTHER THAN COMMON CRIMINAL CHARGES CONTINUES TO BE REDUCED, AND NOW NUMBERS A TOTAL OF PERHAPS 3,000 DOWN FROM OVER 8,000 IN 1976. OF THE 3,000, ABOUT 1,400 ARE BEING HELD UNDER "PODER EJECUTIVO NACIONAL" ("PEN"); ABOUT 1,000 ARE SERVING SENTENCES AFTER BEING CONVICTED AND ABOUT 500 OR SO ARE BEING TRIED BEFORE MILITARY OR CIVILIAN TRIBUNALS.

QUALITATIVE IMPROVEMENTS -----

(A) THE INTER-AMERICAN HUMAN RIGHTS COMMISSION COMPLETED A SUCCESSFUL VISIT TO ARGENTINA.

(B) PRISON CONDITIONS HAVE IMPROVED THIS YEAR, PARTICULARLY FOLLOWING AN APRIL 1979 DECREE ORDERING STANDARD PRISON

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CONDITIONS AND PRACTICES.

(C) THE INTERNATIONAL RED CROSS HAS BEEN CONDUCTING A REGULAR SERIES OF PRISON VISITS SINCE 1978.

(D) THE PRESS, WHILE STILL UNDER RESTRAINTS--SELF-IMPOSED OR IMPOSED BY THE GOA--HAS GREATLY EXPANDED FREEDOM TO REPORT ON POLITICALLY SENSITIVE SUBJECTS AND FOR MORE THAN A MONTH NOW THE HUMAN RIGHTS FRONT HAS INCREASINGLY BEEN BROUGHT INTO THE OPEN.

(E) THE RULE OF LAW PREVAILED, EVEN OVER THE STRENUOUS OBJECTIONS OF SOME GENERALS AND A COUP ATTEMPT, AS THE SUPREME COURT DECISION FREEING JACOBO TIMERMAN WAS ENFORCE BY PRESIDENT VIDELA AND ARMY COMMANDER VIOLA.

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THERE HAVE BEEN SEVERAL OTHER INSTANCES SUGGESTIVE OF GROWING JUDICIAL INDEPENDENCE.

(F) POLITICAL PARTIES, WHILE OSTENSIBLY PROHIBITED FROM ACTIVITY AS SUCH, ARE INCREASINGLY VOCAL AND AMBITIOUS. PERONISTS APPEAR THUS FAR TO HAVE GOTTEN AWAY WITH A HIGHLY PROVOCATIVE DECLARATION CONDEMNING THE MILITARY GOVERNMENT AND THE RADICALS IN LATE SEPTEMBER HELD WHAT WAS VIRTUALLY A POLITICAL CONVENTION.

(G) THOUGH SUBJECT TO HARASSMENT AND THREATS, ARGENTINE HUMAN RIGHTS ORGANIZATIONS HAVE BECOME INCREASINGLY WELL ORGANIZED AND ACTIVE. THE SURVIVAL OF THESE ORGANIZATIONS IS A TRIBUTE TO THE COURAGE OF THE INDIVIDUALS INVOLVED BUT ALSO REFLECTS A POLICY DECISION BY THE GOA LEADERSHIP TO TOLERATE THESE ACTIVITIES.

(H) WHILE NOT RESOLVED, THE SITUATION OF THE JEHOVAH'S WITNESSES HAS BEEN RELIEVED IN SOME IMPORTANT ASPECTS.

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(I) THE MILITARY AND-POLICE HIERARCHY SEEM TO BE EXERCISING GREATER COMMAND AND CONTROL OVER THE SECURITY FORCES. ONE RESULT IS THAT THE SECURITY FORCES ARE MORE DISCRIMINATING THAN IN THE PAST IN WHOM THEY PICK UP--A HUMAN RIGHTS SOURCE RECENTLY ESTIMATED THAT WHERE AS IN EARLIER YEARS ONLY 10-20 PERCENT OF THOSE SEIZED BY THE AUTHORITIES HAD ANY SUBSTANTIAL CONNECTION WITH TERRORISTS, THE FIGURE NOW MAY RUN AS HIGH AS 80 PERCENT. RELATEDLY, LOCAL COMMANDERS ARE LESS ABLE TO RUN THEIR OWN OPERATIONS, MAKING THEIR OWN DEFINITIONS OF WHO IS OR IS NOT A TERRORIST THREAT.

5. BUT THERE ARE OTHER ELEMENTS THAT ARE LESS HOPEFUL, PARTICULARLY SINCE THEY ARE QUALITATIVE AND THEREFORE

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THE MOST DIFFICULT AND THE MOST TROUBLESOME: -----

(A) THE SECURITY FORCES APPEAR TO BE AUTHORIZED TO CONTINUE TO USE THEIR STANDARD COUNTER-INSURGENCY METHODS--INCLUDING DISAPPEARANCES, SUMMARY EXECUTIONS, AND TORTURE--AGAINST WHAT ARE VIEWED AS LEGITIMATE, HARDLINE, ACTIVE TERRORIST TARGETS. THE REPEATED REPORTS OF MONTONERO ACTIVISTS RETURNING TO THE COUNTRY PLUS THE ATTACK ON THE KLEIN FAMILY BY A GROUP CLAIMING TO BE MONTONEROS WILL REINFORCE THE ARGUMENTS OF THOSE WHO FEEL THAT THE SECURITY FORCES MUST CONTINUE TO USE THEIR DARK TECHNIQUES.

(B) THE PAST DISAPPEARED CONTINUE TO BE UNACCOUNTED FOR. WHILE WE BELIEVE THAT THE OUTCRY ABROAD OVER THE RECENT [REDACTED]
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LAW ON PRESUMPTIVE DEATH WAS MISPLACED AND EXAGGERATED--THE GOA HAS DEMONSTRATED NO INTENTION OF MISUSING IT, AND THOUGHT OF IT AS A POSITIVE STEP (WHICH IT WAS IN A LIMITED WAY)--IT IS ALSO CLEAR THAT GENERAL VIOLA'S STATEMENT THAT THE DISAPPEARED SHOULD BE NUMBERED AMONG THE "ABSENT FOREVER," IS THE GOA'S CURRENT AND INFLEXIBLE POSITION.

(C) UNACKNOWLEDGED PRISONERS STILL EXIST, ALTHOUGH WE THINK IN VERY SMALL NUMBERS--FOR EXAMPLE, THERE ARE PERSISTENT REPORTS THAT AT LEAST SOME OF THOSE WHO DISAPPEARED IN AUGUST ARE ALIVE.

(D) INDIVIDUALS WHO PROBABLY WERE UNINVOLVED OR ONLY MARGINALLY WITH TERRORIST ACTIVITY REMAIN DETAINED.

6. THE POLITICAL EQUATION -----

THE IMPORTANT POLITICS IN ARGENTINA TODAY ARE MILITARY POLITICS. IN THE PAST YEAR, AND PARTICULARLY SINCE EARLY AUGUST, MILITARY POLITICS APPEAR TO FAVOR CONTINUED PROGRESS ON THE HUMAN RIGHTS SCENE. PRESIDENT VIDELA AND GENERAL VIOLA HAVE WON SEVERAL KEY VICTORIES OVER HARDLINERS: THE VISIT OF THE INTER-AMERICAN HUMAN RIGHTS COMMISSION; THE DECISION TO FREE TIMERMAN; THE SUCCESSFUL DEFEAT OF HARDLINE GENERAL MENENDEZ' MINI-COUP WERE DIFFICULT CAMPAIGNS WON BY VIOLA AND VIDELA. THEIR STRUGGLE WITH THE HARDLINERS IS STILL FAR FROM OVER, HOWEVER, AND THERE WILL BE OTHER BATTLES TO COME.

7. HUMAN RIGHTS ARE ONLY ONE ISSUE AMONG THE MANY BEING FOUGHT OUT BETWEEN MILITARY FACTIONS. HOWEVER, WE BELIEVE THAT HUMAN RIGHTS RELATE DIRECTLY TO WHAT IS PROBABLY A MAJOR FUTURE ISSUE IN THE MILITARY--AND CIVILIAN--

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POLITICS: THE TERMS OF AN EVENTUAL AMNESTY FOR THOSE
WHO PARTICIPATED IN OR ORDERED HUMAN RIGHTS VIOLATIONS.
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IT IS CLEAR TO US THAT MOST CIVILIAN AND MILITARY LEADERS
OF THE COUNTRY HAVE CONCLUDED THAT THERE CAN BE NO REAL
MOVEMENT TOWARDS "NORMALIZATION"--AND AN EVENTUAL
ELECTED CIVILIAN GOVERNMENT--UNTIL THE MEN WHO PARTICI-
PATED IN THE MAJOR HUMAN RIGHTS VIOLATIONS OF THE PAST
FEEL REASONABLY PROTECTED FROM EVENTUAL RETRIBUTION.

CORRESPONDINGLY, EVERY SIGN THAT INDIVIDUAL MILI-
TARY AND SECURITY MEN MAY EVENTUALLY BE CALLED TO ACCOUNT
FOR THEIR ACTS RETARDS AND MAKES MORE DIFFICULT PROGRESS
TOWARDS ESTABLISHMENT OF THE RULE OF LAW AND THE RETURN
OF DEMOCRACY. THUS, CIVILIAN POLITICIANS AND MILITARY
ALIKE ARE TALKING PRIVATELY ABOUT THE EVENTUAL ADOPTION
OF A "LEY DE OLVIDO"--AN AMNESTY WHICH WILL DROP A CURTAIN
OVER THE PAST.

8. UNTIL THE AMNESTY ISSUE IS SETTLED, REAL PROGRESS
TOWARDS A RULE OF LAW AND THE RETURN OF THE CIVILIANS WILL
BE SLOW AND HALTING, EVEN IF TERRORIST ACTIONS ARE KEPT
TO A LOW LEVEL. AT THIS TIME WE DO NOT SEE THE GOA
COMMITTING ITSELF TO A PRECISE CALENDAR FOR TURNING OVER
THE REINS TO A NON-MILITARY SUCCESSOR. FOR THE NEAR TERM
AT LEAST, POLITICAL EVOLUTION WILL MORE CLOSELY FOLLOW
AN APPARENTLY UNPROGRAMMED APPROACH, RATHER THAN THE
EXPERIENCE IN URUGUAY WHERE THE GOU EARLY COMMITTED ITSELF
TO AN EXACT DATE FOR HOLDING NATIONAL ELECTIONS.

9. HUMAN RIGHTS AND THE UNITED STATES -----
SINCE 1976 THE UNITED STATES GOVERNMENT HAS CLEARLY
ESTABLISHED ITS POSITION IN OPPOSITION TO ARGENTINE HUMAN
RIGHTS ABUSES. IN THE PROCESS WE HAVE PUBLICLY DISTANCED
OURSELVES FROM THE ARGENTINE GOVERNMENT. TODAY OUR RE-
LATIONS ARE COOL, IF CORRECT, AND THE GOA IS PERMEATED
WITH RESENTMENT AT OUR POLICY.

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10. MORE THAN SIMPLE DISTANCING OURSELVES WE PROBABLY
HAVE HAD AN IMPACT ON ARGENTINE HUMAN RIGHTS PRACTICES--
BUT ONLY ONCE THE MILITARY LEADERSHIP BECAME CONVINCED
THAT IT HAD LICKED THE TERRORISTS MILITARILY. THE MEANS
OF OUR INFLUENCE HAS BEEN LESS OUR ECONOMIC AND MILITARY
SANCTIONS THAN OUR PUBLIC DIPLOMACY.
THE ARGENTINE MILITARY, HOWEVER RELUCTANTLY, HAS LOOKED
TO THE UNITED STATES FOR OVER TWENTY-FIVE YEARS FOR LEAD-
ERSHIP AND SUPPORT. THEY CLAIM A PLACE FOR ARGENTINA
AMONG THE NATIONS OF THE WEST. THEY ARE DISCOMFORTED
BY USG STATEMENTS HOLDING ARGENTINA UP TO CENSURE.

11. OUR ACCESS TO INFLUENCE HERE HAS CHIEFLY BEEN
THROUGH PRESIDENT VICELA AND ARMY COMMANDER VIOLA BECAUSE
THEY ARE RESPONSIBLE FOR THE POLITICAL CONDUCT OF THE
NATION. THESE TWO MEN SHARE CERTAIN POINTS OF VIEW WITH
THEIR HARDLINE COLLEAGUES: THEY BELIEVE THAT HARSH
METHODS ARE THE ONLY WAY TO DEAL WITH TERRORISTS; THEY
ARE PROBABLY DEEPLY RESENTFUL OVER THE WAY THE UNITED
STATES HAS CONDUCTED ITS RELATIONS WITH ARGENTINA. BUT
AS POLITICAL LEADERS RESPONSIBLE FOR THE NATIONS'S
FOREIGN POLICY, THEY MUST ALSO ACT ON THE PREMISE THAT GOOD
RELATIONS WITH THE UNITED STATES ARE IN ARGENTINA'S
INTERESTS AND THEY KNOW THAT A CONDITION-PRECEDENT FOR
BETTER ARGENTINE-AMERICAN RELATIONS IS IMPROVED ARGENTINE

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PERFORMANCE ON HUMAN RIGHTS.

2. HARDLINERS ARE LESS CONCERNED WITH THE INTERNATIONAL
POLITICS. THEY HAVE A MUCH BROADER DEFINITION THAN
VIOLA AND VIDELA OF WHAT CONSTITUTES A SUBVERSIVE THREAT

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TO ARGENTINA AND ARE CONVINCED, AGAINST ALL REASONABLE EVIDENCE, OF THE FEASIBILITY OF WEEDING IT OUT. INCREASING NUMBERS OF ARGENTINE MILITARY OFFICERS BELIEVE THAT US POLICY TOWARDS ARGENTINA IS IN THE HANDS OF RADICALS OUT TO DESTABILIZE THE GOVERNMENT. THESE MEN HAVE A DECLINING REGARD FOR THE USG'S OPINIONS. IN FACT, THESE MEN MIGHT WELL ASK VIOLA AND VIDELA TO SHOW THEM ANY EVIDENCE OF A POSITIVE US REACTION TO COM-PROMISING THE ANTI-SUBVERSIVE CAMPAIGN TO APPEASE USG HUMAN RIGHTS CONCERNS.

13. WHICH BRINGS US TO THE CRITICAL QUESTION: HOW CAN THE USG BEST REACT TO THE LIMITED BUT NEVERTHELESS PALPABLE PROGRESS THAT HAS BEEN MADE IN SECTORS OF THE HUMAN RIGHTS QUATIONS SO AS TO ENCOURAGE VIDELA AND VIOLA TO TAKE FURTHER STEPS ALONG THE ROAD?

14. ONE OPTION WOULD BE TO CONTINUE EXACTLY THE SAME POLICY IMPLEMENTATION LINES WE HAVE FOLLOWED IN THE PAST.

15. ANOTHER OPTION WOULD BE TO ADJUST OUR POLICY TO INCLUDE INCENTIVES AND REWARDS, BOTH TO REFLECT MORE CLOSELY THE TRENDS AND CHANGES WE HAVE NOTED HERE AND TO ENCOURAGE POSITIVE EVOLUTION. OUR OBJECTIVES REMAIN UNCHANGED:

-- WE SHOULD CONTINUE OUR EFFORTS TO MAKE VIDELA AND VIOLA LIVE UP TO THEIR FREQUENTLY REPEATED PROMISES

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TO US TO END DISAPPEARANCES;

--WE SHOULD MAINTAIN OUR EFFORT TO GET THE GOA TO ABANDON OTHER ASPECTS OF THEIR CUNTER-INSURGENCY-DOCTRINE, SUCH AS TORTURE AND SUMMARY EXECUTION;

--WE SHOULD EMPAHASIZE OUR SUPPORT FOR THE RIGHT OF OPTION PROGRAM;

--WE SHOULD SEEK A SHORTENING OF THE "PEN"LIST, AN END TO POLITICAL PRISONERS, AND SPEEDY, FAIR TRIALS FOR THE ACCUSED;

--WE SHOULD INSIST THAT THERE BE NO MORE UNACKNOWLEDGED PRISONERS.

16. BEYOND THESE OBJECTIVES THAT WE NEED TO EXAMINE SUCH CRITICAL QUESTIONS AS:

--WHAT PRECISELY WE WANT WHEN WE INSIST ON AN ACCOUNTING

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BY THE GOA FOR THE DISAPPEARED? WHAT IS THE RELATIONSHIP OF SUCH INSISTANCE TO THE MILITARY'S FEAR OF AN EVENTUAL "NUREMBERG" PROCESS, A PROSPECT THAT CAN ONLY IMPEDE NORMALIZATION?

--IF THE ULTIMATE GOAL HERE IS TO RETURN TO A RULE OF LAW AND CIVILIAN GOVERNMENT, HOW CAN WE PRODUCTIVELY ENCOURAGE THE GOA TO MOVE IN THAT DIRECTION?

--IS OUR PUBLIC DIPLOMACY MOST EFFECTIVE IF IT CONCENTRATES ON THE PAST RECORD OF ARGENTINA? OR CAN WE PLAY A MORE POSITIVE ROLE BY ADOPTING A PUBLIC POLICY WHICH IS MORE CONGRATULATORY WHEN THE GOA TAKES POSITIVE ACTIONS AND WHICH IN EFFECT WOULD BE MORE FUTURE ORIENTED?

17. ALL THESE QUESTIONS RELATE TO A FUNDAMENTAL ISSUE FOR THE UNITED STATES: IS IT POSSIBLE TO DEVELOP A HUMAN RIGHTS STRATEGY FOR ARGENTINA WHICH WOULD AT ONCE REWARD THE GOA FOR THE PROGRESS IT MAKES AND PROVIDE AN INCENTIVE FOR CONTINUED PROGRESS. THE COUNTRY TEAM BELIEVES THAT THE ANSWER TO THIS QUESTION IS YES AND IS NOW DRAFTING A PROPOSED STRATEGY FOR DEALING WITH ARGENTINA ON

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